

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARTIN J. WALSH,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

JAS LINKS HEALTHCARE
SERVICES, INC., and CHIOMA
MBONU, and individual,

Defendants.

Civ. Action No. _____

COMPLAINT

Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Plaintiff” or “the Secretary”), brings this action pursuant to the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, *et seq.* (“the Act”), against Defendants Jas Links Healthcare Services, Inc., and Chioma Mbonu (collectively, “Defendants”). The Secretary seeks to recover unpaid wages, pursuant to § 16(c) of the Act, 29 U.S.C. § 216(c).

I.

This Court has subject matter jurisdiction over this action pursuant to §§ 16(c) and 17 of the Act 29 U.S.C. §§ 216 and 217, and 28 U.S.C. §§ 1331 and 1345.

II.

A. Defendant Jas Links Healthcare Services, Inc., at all relevant times, was and is a Georgia corporation company having places of business and doing business in Gwinnett County, Georgia.

B. Defendant Chioma Mbonu (“Valdez”), doing business in Gwinnett County, Georgia, acted directly or indirectly in the interest of Jas Links Healthcare Services, Inc. in relation

to its employees and, therefore, is an employer within the meaning of § 3(d) of the Act, 29 U.S.C. § 203(d).

III.

Venue is proper in the Northern District of Georgia, Atlanta Division, as Defendants' principal place of business is located in Gwinnett County, Georgia and the violations alleged in this Complaint occurred in same.

IV.

At all relevant times:

A. Defendant Jas Links Healthcare Services, Inc. engaged in related activities, performed either through unified operation or common control for a common business purpose, constituting an enterprise within the meaning of § 3(r) of the Act, 29 U.S.C. § 203(r); and

B. Such enterprise, employing employees engaged in commerce or in the production of goods for commerce, or employees handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce; and having an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated), constitutes an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of § 3(s)(1)(A) of the Act, 29 U.S.C. § 203(s)(1)(A).

V.

A. From January 4, 2020 until September 3, 2020 ("the Period"), Defendants have violated § 7 of the Act, 29 U.S.C. § 207, by employing employees in an enterprise engaged in commerce or in the production of goods for commerce, for workweeks longer than 40 hours without compensating such employees for their employment in excess of such hours at rates not less than one and one-half times the regular rates at which they were employed.

B. Specifically, Defendants did not pay employees an overtime rate of one and one-half times the regular rate for hours worked in excess of 40 hours per workweek, incorrectly classified employees as independent contractors, and failed to compensate employees for certain travel expenses.

C. From January 4, 2020 until September 3, 2020 (“the Period”), Defendants violated § 11(c) of the Act, 29 U.S.C. § 211(c), by failing to make, keep, and preserve records of the persons they employed, and the wages, hours, and other conditions and practices of employment.

VI.

WHEREFORE, cause having been shown, the Secretary prays for Judgment:

A. Pursuant to § 16(c) of the Act, 29 U.S.C. § 216(c), awarding back wages for a period of two years prior to the commencement of this action.

Respectfully submitted this 31st day of January, 2023.

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